

THE CITY OF CLAYTON

Board of Aldermen
City Hall – 10 N. Bemiston Avenue
January 26, 2015
7:00 p.m.

Minutes

Mayor Sanger called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Cynthia Garnholz, Mark Winings, Alex Berger III, and Ira Berkowitz.

Mayor Sanger
City Manager Owens
City Attorney O'Keefe

Absent: Joanne Boulton and Rich Lintz.

Alderman Winings moved to approve the January 12, 2016 minutes. Alderman Garnholz seconded.

The motion to approve the minutes passed unanimously on a voice vote.

PUBLIC REQUESTS AND PETITIONS

None

A MOTION TO CONSIDER APPROVING A LIQUOR LICENSE FOR LOUIE'S WINE DIVE AT 16 S. BEMISTON AVENUE

City Manager Owens reported that Louie's Wine Dive is requesting a liquor license to sell all kinds of intoxicating liquor at retail by the drink, including Sundays, at 16 S. Bemiston Avenue.

The Police Department has completed its review of the application and supports the issuance of the requested license. The Planning and Development department has also approved the application with no objections.

The applicant has chosen not to submit a petition from surrounding property owners and first floor tenants. As a result, they are aware that this application must have a super majority vote of five Board members in order to be approved. Staff has requested that a representative be in attendance at the meeting.

Staff recommends passing a motion to approve the liquor license to sell all kinds of intoxicating liquor at retail by the drink, including Sundays.

In response to the Board's questions, Ben Vinzant, owner, addressed the Board stating that the restaurant will be located in the former Tani Sushi location (does not include the nightclub) and that they will provide approximately 75% sales in wine, 15% each in liquors and beer. He said that they also have restaurants in the Des Moines and Kansas City areas. They are expecting to open in April 2016, serving lunch and dinner with a variety of items on the menu that includes salads, sandwiches, pastas, hamburgers, steaks.

Alderman Garnholz moved to approve a liquor license for Louie's Wine Dive located at 16 S. Bemiston Avenue. Alderman Winings seconded.

The motion passed unanimously on a voice vote.

Mayor Sanger recommended that they contact the Clayton Chamber of Commerce when they have an opening date.

A MOTION TO CONSIDER APPROVING A LIQUOR LICENSE FOR SCAROLA DBA PENO AT 7600 WYDOWN BOULEVARD

City Manager Owens reported that Scarola *dba* Peno is requesting a liquor license to sell all kinds of intoxicating liquor at retail by the drink, including Sundays, at 7600 Wydown Boulevard.

The Police Department has completed its review of the application and supports the issuance of the requested license. The Planning and Development department has also approved the application with no objections.

The applicant has chosen not to submit a petition from surrounding property owners and first floor tenants. As a result, they are aware that this application must have a super majority vote of five Board members in order to be approved. Staff has requested that a representative be in attendance at the meeting.

Staff recommends passing a motion to approve the liquor license to sell all kinds of intoxicating liquor at retail by the drink, including Sundays.

In response to the Board's questions, Patrick Kim, owner, addressed the Board stating that the restaurant will provide southern Italian food. He stated that he and his wife have owned several restaurants, *Felix*, *Spagetta Ria*, *Mama Mia*, *Porkys*, and *Michaels* on Manchester Road. They are planning on opening next week, but without a liquor license because they are awaiting license approval from the State. They are also planning a ribbon cutting with the Chamber. The website should be ready in a few days.

Alderman Garnholz moved to approve a liquor license for Scarola *dba* Peno located at 7600 Wydown Boulevard. Alderman Winings seconded.

The motion passed unanimously on a voice vote.

AN ORDINANCE TO CONSIDER ADOPTING THE 2015 INTERNATIONAL SWIMMING POOL AND SPA CODE (ISPSC) WITH AMENDMENTS (SECOND READING)

City Manager Owens reported that this is an ordinance to adopt the *2015 International Swimming Pool and Spa Code* ("ISPSC") with amendments. The ordinance is being presented for its second reading and subsequent adoption. The first reading occurred on October 13, 2015.

In response to Alderman Garnholz's question, Bart Alspaugh addressed the Board stating that they did not receive any comments or questions since the first reading was held. He stated that he is not aware of how many other cities were adopting the Code. He explained that the Code (plus the additions) adoption will be included on the website. He explained that they have been enforcing regulations regarding the codes but only to use as a guideline prior to tonight's adoption to which the contractors have been complying. Notification of the Codes will also be provided during the permit application process. He feels that the biggest change that they might hear push back from is with regard to the barriers required around the pool areas in residential installations. In addition to the alarms on the doors the Code has added that alarms are also required for low-hanging (48" or lower) windows. This is for instances, for example, the possibility of a small child going through

a window. He clarified that these requirements will only apply to new installations and stated that it not only covers the installation and design of residential pools, but also public pools, public aquatic centers, and spas.

Alderman Garnholz introduced Bill No. 6526, an ordinance to adopt the 2015 International Swimming Pool and Spa Code to be read for the second time by title only. Alderman Winings seconded.

City Attorney O’Keefe reads Bill No. 6526, City Attorney O’Keefe reads Bill No. 6526, an Ordinance Providing for the Amendment of Sections 500.010 and 500.020 of the Code of Ordinances of the City of Clayton, Missouri, Relating to Buildings and Structures to Adopt the International Swimming Pool and Spa Code and Certain Amendments Thereto, and Establishing Penalties for the Violation Thereof for the second time by title only.

Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Berger – Aye; Alderman Berkowitz – Aye; and Mayor Sanger – Aye. The bill was adopted and became Ordinance No. 6409 of the City of Clayton.

AN ORDINANCE EXTENDING SPECIAL EVENT SIGNS PILOT PROGRAM

City Manager Owens reported that on January 14, 2014, the Board of Aldermen adopted Ordinance No. 6300 that allows the City Manager and/or designee to temporarily and selectively suspend the strict enforcement of/required adherence to the City’s temporary sign regulations to permit the display of otherwise prohibited temporary signs, banners, advertising and other temporary attention-getting devices in association with special events conducted by retail merchants in the City of Clayton. Since its initiation, six permits have been approved pursuant to the ordinance. During the two year time period, staff did not receive complaints or comments about the additional temporary signage, either from residents or business owners. Recommendation is to approve the ordinance to allow the two-year pilot program to be extended.

In response to Alderman Berger’s question regarding the 16 week duration, Susan Istenes explained that she recalls that the duration was due to retailers that would advertise for special sales and events. City Manager Owens said that staff would investigate.

Alderman Garnholz introduced Bill No. 6538, an ordinance to authorize the extension of the special event signs pilot program to be read for the first time by title only. Alderman Winings seconded.

City Attorney O’Keefe reads Bill No. 6538, an Ordinance Authorizing an Extension of a Pilot Program to Assess the Benefits and Risks of Allowing Expanded Signage Opportunities During Special Retail Events for the first time by title only.

The motion passed unanimously on a voice vote.

Alderman Garnholz moved that the Board give unanimous consent to consideration for adoption of Bill No. 6538 on the day of its introduction. Alderman Winings seconded.

The motion passed unanimously on a voice vote.

Alderman Garnholz introduced Bill No. 6538, an ordinance to authorize the extension of the special event signs pilot program to be read for the second time by title only. Alderman Winings seconded.

City Attorney O’Keefe reads Bill No. 6538, an Ordinance Authorizing an Extension of a Pilot Program to Assess the Benefits and Risks of Allowing Expanded Signage Opportunities During Special Retail Events for the second time by title only.

Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Berger – Aye; Alderman Berkowitz – Aye; and Mayor Sanger – Aye. The bill was adopted and became Ordinance No. 6410 of the City of Clayton.

AN ORDINANCE TO CONSIDER APPROVING A FIRE HYDRANT INSTALLATION ON BONHOMME AVENUE

City Manager Owens reported that a new fire hydrant is required for the building being constructed at 212 South Meramec Avenue at Bonhomme Avenue. The fire department connection (FDC) is required to be not more than 100 feet from a water supply. To satisfy the requirement, Missouri American Water must install a hydrant on the south side of Bonhomme Avenue, approximately 135 feet east of the intersection of South Meramec Avenue and Bonhomme Avenue. The new hydrant can be installed on the existing main with no additional fire flow requirements. Recommendation is to approve the ordinance authorizing the installation of the fire hydrant for 212 South Meramec Avenue.

Alderman Garnholz introduced Bill No. 6539, an ordinance to approve an addition of a new fire hydrant on Bonhomme Avenue to be read for the first time by title only. Alderman Winings seconded.

City Attorney O’Keefe reads Bill No. 6539, An Ordinance Providing for the Approval of the Installation of a New Fire Hydrant on Bonhomme Avenue in the City Of Clayton for the first time by title only.

The motion passed unanimously on a voice vote.

Alderman Garnholz – I move that the Board give unanimous consent to consideration for adoption of Bill No. 6539 on the day of its introduction. Alderman Winings seconded.

The motion passed unanimously on a voice vote.

Alderman Garnholz introduced Bill No. 6539, an ordinance to approve an addition of a new fire hydrant on Bonhomme Avenue to be read for the second time by title only. Alderman Winings seconded.

City Attorney O’Keefe reads Bill No. 6539, An Ordinance Providing for the Approval of the Installation of a New Fire Hydrant on Bonhomme Avenue in the City Of Clayton for the second time by title only.

Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Berger – Aye; Alderman Berkowitz – Aye; and Mayor Sanger – Aye. The bill was adopted and became Ordinance No. 6411 of the City of Clayton.

FY 2015 YEAR-END FINANCIAL REPORT

Janet Watson reported that the new fiscal year started this with a balanced General Fund budget which maintained our fund balance at a level of about 60% due to the substantial deficit elimination efforts over the last few years. During the year we experienced significant costs related to safe demonstrations and throughout the year we have tried to reduce in other areas to make up those additional costs. While final actual revenue was less than originally budgeted, building permits, sales tax and parking revenue were all higher than last year which shows steady economic growth. Property tax appeals continue to negatively affect our revenues. Expenditures were also lower than budgeted, mostly due to extended vacancies. Ultimately, ending the year with a surplus of \$20,829, which is the first year the General Fund has experienced a surplus since FY 2009. She noted that a big point to help balance the budget was the new fire sales tax, \$740,000 received.

Mayor Sanger expressed his gratitude to the hard work and effort that staff did in working on the budget. To make up for the almost half million dollars due to the demonstrations was an incredible task. The staff has done a fabulous job. KUDOS to the entire staff!

Janet Watson reported that with regard to property tax, the General Fund property tax has fluctuated, but by FY15 has moved only slightly from the 2011 revenue level. The FY15 property tax receipts were 2.2% higher than in FY11, which averages to an annual increase of 0.55%. The Special Business District has increased 0.9% during this period.

In response to Alderman Garnholz's question regarding interest collected on protested taxes, City Attorney O'Keefe explained that the monies held due to protested taxes is held in an interest-bearing account and that he is not aware if the County distributes the interest to the city as well.

In response to Alderman Berger's comment regarding the larger revenues (property tax, sales tax, utility tax) and comparing the numbers they are in fact "flat." Janet Watson agreed that there are some "flat" revenues and those are some of the largest.

Alderman Berger expressed that this surprised him and with the data that was provided it was an eye-opener, thinking that the numbers would have been bigger due to the recovery in economic terms for 2015.

In response to Mayor Sanger's question regarding unfilled positions, Janet Watson stated that the city budgeted less than full employment, approximately \$50,000 which has probably been met due to extended vacancies.

Alderman Garnholz added that she would like to give credit to this Board and prior boards under the leadership of City Manager Owens over many years to get to this surplus. A very clear plan was made and many attempts to stray from it, but remained on the path and here we are.

Alderman Winings also credited the tax payers of the City of Clayton who passed two tax increases, which was part of the plan.

BOARD UPDATE ON STATUS OF ONGOING PROJECTS

City Manager Owens provided an update to the Board on significant projects that staff plans to complete in the next twelve months. The list of projects currently stands at 120+ items and is organized by the staff member responsible for implementation. The list ranges from public-facing projects such as website enhancements and sidewalk/roadway improvements to behind-the-scenes initiatives including strategic planning and software upgrades. The list is updated regularly by staff and includes some recently completed projects.

Other

Alderman Garnholz commented that although she was not able to attend she viewed the State of the City video on *Facebook*® and expressed that it was very well done. She also commented that the Restaurant Week went very well.

Alderman Winings commented that the Plan Commission/ARB met January 19, 2016 and that it seems lately there continues to be pattern of more applicants seeking variances from the sign ordinances.

Alderman Berger commented that Restaurant Week was wonderful and heard enthusiastic comments from the restaurant owners.

Alderman Berkowitz also commented that Restaurant Week was a huge success.

- Clayton Century Foundation – the CCF held a major gifts meeting today and announced that the Opus Group has money to donate for a project close in proximity to their development project.
- Plans are being made for a fundraiser/party to be held prior to the demolition of the Westmoreland House and the funds will be used towards the Heritage Center.

Mayor Sanger echoed the comments regarding Restaurant Week.

Mayor Sanger also mentioned that due to potential absences for the second meeting in March due to spring break if the City Clerk could check the calendar to possibly reschedule.

There being no further business the meeting was adjourned at 8:04 p.m.

Mayor

ATTEST:

City Clerk